

(2) Reform of the judicial system and revision of the Patent Attorney Law

From the viewpoint of strategically using Japanese intellectual property, in December 1999 the Industrial Property Council compiled "Recommendations concerning the revision of the Patent Attorney Laws", and the Patent Attorney Law was revised in 2000 to modify the business scope of patent attorneys and to reform the patent attorney examination system.

However, among the matters proposed in the recommendations, granting powers of representation to patent attorneys in suits relating to intellectual rights and substantiation of the alternative dispute resolution system, were entrusted to discussion at the Judiciary Reform Council since they should be discussed within the framework of the entire judiciary.

Since the council was established in July 1999, more than 60 deliberations have taken place. The written opinion of the council, compiled on June 12, 2001, proposed the following. A decision was made at a cabinet meeting (June 15, 2001) to the effect that the related laws would be enacted within three years.

① Granting powers of representation to patent attorneys in infringement suits regarding patent rights, etc.

Powers of representation in infringement suits (limited to cases where the lawyer is an attorney-at-law) regarding patent rights or the like should be granted after suitable measures for assuring high levels of capability have been taken.

② Introduction of an expert commissioner system

For suits requiring professional knowledge, such as intellectual property rights cases and medical cases, a system in which an expert can be present at the examination with a judge should be introduced. With this concept, an expert commissioner system or the like should be introduced in addition to the existing systems (appraisals, court examiners, etc.).

③ Expansion and activation of alternative dispute resolution means (ADR)

For the purpose of intensifying comprehensive responses to intellectual property rights cases, the ADR of Japan's Intellectual Property Arbitration Center (former Industrial Property Arbitration Center) and the JPO (advisory system on the technical scope of patented inventions) should be expanded and activated according to individual suits.

